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Attorneys for Defendant
GOOGLE LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANIBAL RODRIGUEZ, et al. individually and
on behalf of all others similarly situated,

Plaintiffs,

V.

GOOGLE LLC,

Defendant.

Case No. 3:20-CV-04688-RS

**GOOGLE LLC'S MOTION IN LIMINE NO.
16 TO EXCLUDE CERTAIN PROPOSED
DEMONSTRATIVES**

Dept: 3, 17th Fl.

Judge: Hon. Richard Seeborg

Date Action Filed: July 14, 2020
Trial Date: August 18, 2025

1 Defendant Google LLC (“Google”) hereby submits this motion *in limine* (the “Motion”) to
 2 preclude Plaintiffs from presenting certain proposed demonstratives and exhibits during their
 3 examination of Dr. Jonathan Hochman, and specifically: demonstrative slides 7, 20, 28–29, 31–38,
 4 and 51, and exhibits PX-001 and PX-013. In addition, based on the inclusion of five other
 5 demonstratives (slides 21–23 and 26–7), Google seeks an order from the Court cautioning Plaintiffs
 6 against attempting to elicit impermissible testimony from Dr. Hochman that would purport to either
 7 interpret Google’s privacy policies or disclosures or make statements about what users think of
 8 those policies or disclosures.

9 **I. INTRODUCTION**

10 Plaintiffs designated Dr. Hochman, who has a Ph.D. in computer science, as their technical
 11 expert, but their disclosures of demonstratives and exhibits in advance of calling him as a trial
 12 witness indicate that Dr. Hochman will focus much of his presentation to the jury on undisclosed
 13 opinions regarding consumer expectations and Google’s intent. These opinions are inadmissible
 14 for multiple reasons:

- 15 • they are outside the scope of Dr. Hochman’s expertise;
- 16 • he disclaimed having such opinions at deposition;
- 17 • they are not disclosed in his expert report;
- 18 • they constitute opinions on ultimate questions of law in this action; and
- 19 • several of the opinions rely on inadmissible hearsay for which no foundation is
 20 available.

21 As the Court made clear in its Order Granting in Part and Denying in Part Parties’ *Dauber* Motions
 22 (“*Daubert* Order”), *see* Dkt. No. 511, at 5–6, 7–8, each of these reasons would independently
 23 suffice to exclude Dr. Hochman’s demonstratives and related testimony and exhibits. The Court
 24 should similarly preclude such testimony at trial from Mr. Hochman.¹

25

26 ¹ Google did not include Dr. Hochman in its *Daubert* motion because (1) Dr. Hochman repeatedly
 27 disclaimed at his deposition that he would offer these opinions and (2) the structure and contents
 28 of Dr. Hochman’s report—consisting of 418 paragraphs of opinions over 171 pages—included only
 passing reference (14 paragraphs over 4 pages) mentioning some of the evidence he now apparently
 seeks to make the centerpiece of his direct examination. *See* Florez Decl. at Ex. B (“Hochman
 Rep.”), at ¶¶ 381–394.

1

2 **II. BACKGROUND**

3 On Monday, August 18, 2025, Plaintiffs disclosed to Google a list of 32 exhibits, a
 4 deposition transcript, and 71 demonstrative slides that they seek to use during the examination of
 5 their technical expert, Dr. Jonathan Hoffman.² See Florez Decl. ¶ 2. Following Google's review
 6 of these disclosures, Google files this Motion to exclude 6 exhibits and 13 slides, and to caution
 7 Plaintiffs against seeking testimony that the Court has held impermissible.

8 **III. ARGUMENT**

9 **A. Legal Standards.**

10 A party who fails to provide information as required by Rule 26(a) or (e) "is not allowed to
 11 use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the
 12 failure was substantially justified or is harmless." Fed. R. Civ. P. 37(c)(1). Further, Rule 702 of
 13 the Federal Rules of Evidence requires that a witness proffered as an expert by a party be qualified
 14 by "knowledge, skill, experience, training, or education." Fed. R. Evid. 702; *see also Daubert v.*
 15 *Merrell Dow Pharm., Inc.*, 509 U.S. 579, 589 (1993). Scientific, technical, or other specialized
 16 testimony is admissible only if it (a) "will help the trier of fact to understand the evidence or to
 17 determine a fact in issue," (b) "is based upon sufficient facts or data," (c) "is the product of reliable
 18 principles and methods," and (d) "the expert has reliably applied the principles and methods to the
 19 facts of the case." *Id.* Further, "[w]hile testimony on an ultimate issue is not 'per se' improper,
 20 an expert witness cannot give an opinion as to her legal conclusion, *i.e.*, an opinion on an ultimate
 21 issue of law," (such as intent where, as here, intentional conduct is an element of a
 22 claim). *Kawasaki Jukogyo Kabushiki Kaisha v. Rorze Corp.*, --- F. Supp. 3d ----, 2025 WL
 23 1407350, at *8 (N.D. Cal. May 12, 2025) (quoting *Hangarter v. Provident Life and Acc. Ins. Co.*,
 24 373 F.3d 998, 1016 (9th Cir. 2004)).

28

 2 The parties also exchanged draft demonstratives on July 29, 2025. See Florez Decl. ¶ 1. Google
 does not suggest that it had been denied an opportunity to view the slides prior to August 18.

1 **B. Discussion.**

2 **1. Dr. Hochman May Not Opine as to Consumer Expectations or Google's Intent**

3 Dr. Hochman is here to testify about the computer science issues in this case: the details of
 4 transmitted data, the way Google Analytics works; in short: the standard stuff of a technical expert.
 5 But to Google's surprise, Plaintiffs' demonstrative slides 7, 20, 28, 29, 31, 32, 33, 34, 35, 36, 37,
 6 38, 51, attached hereto in the **Appendix** to this Motion, make clear that Plaintiffs seek to focus a
 7 very large chunk of their presentation to the jury via Dr. Hochman regarding (1) the expectations
 8 of consumers who view Google's disclosures, as well as (2) Google's state of mind, which is an
 9 element of the claims and thus an improper legal conclusion. The substantive slides discussed
 10 below mostly fall into the category of evidence relating to internal "concerns" from internal Google
 11 employees related to *user expectations* about WAA.

12 But Dr. Hochman may not testify about user expectations because he was not disclosed as
 13 a consumer expectations or consumer behavior expert; is not qualified to offer such opinions; and
 14 stated at his deposition that he would not offer such opinions. Nor, of course, can he testify about
 15 Google's intent, which he also recognized during his deposition. *See Florez Decl.*, at Ex. A
 16 ("Hochman Dep. Tr."), at 17:6–14 ("Q. So are you offering any opinion in this case as to what
 17 consumers believed or expected? A. I don't think so. That doesn't sound like something I've
 18 opined about."); *id.* at 171:22–172:18 ("So, one, I'm not here I don't think to testify about user
 19 perceptions."); *id.* at 198:9–12 ("I don't know what the users are thinking. I haven't studied or
 20 surveyed that, okay? I really shouldn't even speculate about it."); 211:9-12 ("Q. [Y]ou were not
 21 intending to opine as to Google's intent in this case? A. No.")

22 **Slides 28, 29, 32–38, and 51** (along with the underlying exhibits included in the disclosure,
 23 PX-001 and PX-013³) are excerpts of communications between Google employees evaluating the
 24 potential for user confusion from Google's disclosures. *See Appendix.* These slides and
 25 exhibits are only relevant, in the context of Dr. Hochman's expert testimony about the computer
 26 science topics in this case, to the questions of whether Google's disclosures were misleading, and

27
 28 ³ These slides also rely on PX-008 and PX-010, which have not been disclosed and are not admitted
 into evidence, and must be excluded on these grounds as well.

1 if so whether it was Google's intent to mislead. Dr. Hochman may not testify as to Google's intent;
 2 further, Dr. Hochman has not previously disclosed an opinion on whether Google's disclosures
 3 were misleading. *See Florez Decl.* ¶ 6. Such an opinion would not be the proper subject of an
 4 expert opinion, and even if it were, Dr. Hochman, as a technical expert on Google's code, is not
 5 qualified to provide it. *See United States v. Sandoval-Mendoza*, 472 F.3d 645, 654 (9th Cir. 2006)
 6 (noting that expert opinions require underlying knowledge with a "valid connection to the pertinent
 7 inquiry").

8 Besides, several of the statements described in these slides were made by persons who are
 9 not witnesses at trial, so that their statements lack foundation and constitute inadmissible
 10 hearsay. *See Smith v. Arizona*, 602 U.S. 779, 795 (2024) (discussing hearsay problems in deciding
 11 a Confrontation Clause challenge and noting that "[i]f an expert . . . conveys an out-of-court
 12 statement in support of his opinion, and the statement supports that opinion only if true, then the
 13 statement has been offered for the truth of what it asserts"). A party may not smuggle hearsay into
 14 a trial by hiding behind the unrelated rule that an expert may *rely* on hearsay to reach their opinions;
 15 while an expert may *rely* on hearsay, that does not entitle them to publish it to the jury, much less
 16 admit hearsay as evidence (as Plaintiffs seem likely to attempt by disclosing the underlying exhibits
 17 as exhibits they intend to use with Dr. Hochman). *See Jensen v. EXC, Inc.*, 82 F.4th 835, 850 (9th
 18 Cir. 2023) ("An opinion rendered by a person of unknown qualifications and contained in a report
 19 that, without any other explanation, relies uncritically on the hearsay statements of only selected
 20 witnesses and that does not expressly take account of, or address, any other relevant considerations,
 21 does not bear sufficient indicia of reliability and trustworthiness to be admitted as a
 22 competing expert "opinion" that a testifying expert may be required to address on cross-
 23 examination.").

24 **Slide 31** is not based on evidence at all, and is an egregious demonstrative that can only be
 25 used to mislead the jury or outright provide them with Plaintiffs' desired answer to the ultimate
 26 issue of Google's liability on the claims in this case:

27
 28

What Google Said vs. What Google Did		
	What Google Said	What Google Did
1		
2		
3	What Google Said	What Google Did
4	► You're "in control."	► Google copied and saved app activity data when people had WAA and sWAA turned off.
5	► "Privacy Controls"	► Google did this using the Google SDKs to access people's devices and data.
6	► You can use toggles to decide "whether" Google collects your data.	► This was no mistake. Google did this despite the concerns expressed by Google's own employees.
7	► For Google to save your app activity data with non-Google apps, WAA and sWAA "must be on."	► This was also unnecessary. Google could have stopped saving this data.
8		
9		
10		
11	See Appendix. It is inconceivable that a technical expert here to testify about how Google's technology works and the data that Google produced should be permitted to pontificate on the subject of whether he personally believes Google intentionally misled users. And while Dr. Hochman's expert report did contain some "colorful" language that seemed to suggest an intent to provide forbidden opinions on Google's intent or consumer expectations, he outright disclaimed such opinions at his deposition:	
12		
13		
14		
15		
16		
17		
18	Q. You were not intending to opine as to Google's intent in this Case?	
19	A. No.	
20	Q. Okay. Because the phrase "pull the wool over its users' eyes" is pretty colorful. I'm just making sure that is not an opinion about Google's intent.	
21	A. I do like to be colorful sometimes because these reports could be dry, and I like them to be interesting to read. But it is a description of the effect. It's not a description of Google's intent, okay? I'm sure that that's just – maybe it's overly colorful, but it's clear now.	
22		
23		
24	Hochman Dep. Tr. at 211:9-24.	
25		
26	Google does not dispute that Dr. Hochman can testify as to his opinions on what Google did technologically with WAA and sWAA data or anything else properly encompassed by his assignment in his engagement by Plaintiffs. See Florez Decl. at Ex. B ("Hochman Rep.") ¶9	
27		
28		

31

1 (“Specifically, I am focusing on Google tracking and advertising code through which Google
 2 collects mobile app activity during users’ interactions with non-Google branded mobile
 3 apps.”). But the purported comparison in this slide between “What Google Said,” with quotes about
 4 “control” or “must be on,” and “What Google Did,” with references to lack of mistake (*i.e.*, intent)
 5 is unsupportable with permissible expert testimony.

6 **Slide 20** quotes testimony given to Congress by Google’s CEO, Sundar Pichai. *See*
 7 Hochman Slides at 4. This slide is also only relevant to the issue of whether Google’s CEO gave
 8 misleading congressional testimony, which is not an issue for this expert, or relevant to the ultimate
 9 issue of Google’s intent, and thus runs afoul of the “well-recognized rule” that “[n]o expert may
 10 testify as to Google’s intent in this case; that is for a jury to decide.” *Daubert* Order at 5 (citing
 11 *Brown v. Google, LLC*, 2022 WL 17961497, at *12 (N.D. Cal. Dec. 12, 2022); *Snyder v. Bank of*
 12 *Am.*, 2020 WL 6462400, at *2 (N.D. Cal. Nov. 3, 2020)).

13 **Slide 7** is a table-of-contents slide that states Dr. Hochman’s third opinion as: “Throughout
 14 the class period, Google copied, collected, and saved data when Web & App Activity was turned
 15 off, despite concerns raised by Google employees.” *See* Appendix. This slide is copied at slides
 16 8, 16, 30, and 49. *See* Appendix. As described above, the substantive slides about the “concerns”
 17 consist of quotes about internal Google employees discussing *user expectations* about WAA, which
 18 is impermissible expert testimony about intent or user expectations already barred by this Court.

19 2. **Dr. Hochman May Not Interpret Google’s Disclosures**

20 Several of Plaintiffs’ demonstrative slides also suggest that they will seek opinion testimony
 21 from Dr. Hochman about his interpretation about Google’s disclosures, or about what users think
 22 of the disclosures. For example, slides 21-23 and 26-27 show excerpts of Google’s privacy
 23 policies, and include suggestive highlighting, underlining, and outline boxes. Google does not seek
 24 to bar Dr. Hochman from discussing Google’s disclosures, but, given Dr. Hochman’s deposition
 25 testimony that he cannot and will not “speculate” about what users think, Google requests that the
 26 Court issue a cautionary order that such testimony would be impermissible. Dr. Hochman should
 27 be careful to stick to his assignment: explaining Google’s technology, not telling the jury how to
 28 rule in this case.

1 **IV. CONCLUSION**

2 For the foregoing reasons, Google respectfully requests that the Court preclude Plaintiffs
 3 from presenting Dr. Hochman's demonstrative slides 7, 20, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38,
 4 51 and exhibits PX-001 and PX-013, including any related testimony regarding consumer
 5 expectations, Google's intent, or any other legal conclusion.

6
 7 Dated: August 20, 2025

Respectfully submitted,
 COOLEY LLP

10 By: /s/ Eduardo E. Santacana

11 Michael A. Attanasio
 12 Benedict Y. Hur
 13 Simona Agnolucci
 14 Eduardo E. Santacana
 15 Argemira Flórez
 16 Harris Mateen
 17 Isabella McKinley Corbo
 18 Naiara Toker
 19 Thilini Chandrasekera
 20 Chelsea Hu

21 *Attorneys for Defendant
 22 Google LLC*

APPENDIX A

Rodriguez v. Google

Dr. Jonathan Hochman

Opinions

1

Google wrote computer code called SDKs to access people's devices and to allow Google to copy, collect, and save their data when those people use non-Google apps.

2

Google said people had control and could stop Google from copying, collecting, and saving their data, and that Google would only save app activity data when Web & App Activity was on.

3

Throughout the class period, Google copied, collected, and saved data when Web & App Activity was turned off, despite concerns raised by Google employees.

4

Google used people's data, collected when Web & App Activity was turned off, in many ways that benefited Google and harmed users.

Opinions

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Google wrote computer code called SDKs to access people's devices and to allow Google to copy, collect, and save their data when those people use non-Google apps.

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Google wrote computer code called SDKs to access people's devices and to allow Google to copy, collect, and save their data when those people use non-Google apps.

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Google said people had control and could stop Google from copying, collecting, and saving their data, and that Google would only save app activity data when Web & App Activity was on.

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Throughout the class period, Google copied, collected, and saved data when Web & App Activity was turned off, despite concerns raised by Google employees.

4

Google used people's data, collected when Web & App Activity was turned off, in many ways that benefited Google and harmed users.

Google CEO Sundar Pichai

December 11, 2018



Sundar Pichai

Google CEO

In sworn testimony before Congress:

“[Y]ou have a choice of what information is collected”

“We give clear toggles, by category, where they can decide whether that information is collected ...”

“We are pretty explicit about data which we collect and give you protections for you to turn them on or off.”

WAA Off Means Google is “Supposed to NOT Log At All”



Chris Ruemmler
Senior Staff
Software Engineer



David Monsees
Product Manager
for (s)WAA

Chris Ruemmler

Isn't WAA off supposed to NOT log at all? At least that is what is implied from the WAA page:
<https://support.google.com/websearch/answer/54068?co=GENIE.Platform%3DDesktop&hl=en>

So, if WAA is off, how are we able to log at all?

Divya Sharma posted comments in the following document

Change WAA Master PRD go/change-waa-master-prd

Resolved

2 comments

Resolved

Comments

Enable non-history based features to work without WAA

Chris Ruemmler

This is a strange way to word this. I'd instead state something like WAA is only used for Web History and App Usage History (used Gmail @ time; used Uber @ time, etc.). Given Web History and App Usage are already launched, I don't see any new uses for the WAA control bit.

Divya Sharma

New

Marked as resolved

ReplyOpen

Change WAA-off logging from Zwbk → GAIA-temp Consistency across Search, Maps, Ads, Assistant

Herndon Douglas

Please explain. What logs/products is this meant to affect?

Divya Sharma

The goal is to make the change across all backends where we write to Zwbk when WAA is off. Other than Clearcut, currently we are working with different teams in GWS, Assistant Server, Boq. Search ads to finalize the details. go/change-waa-logging-design lists these backends

Chris Ruemmler

Isn't WAA off supposed to NOT log at all? At least that is what is implied from the WAA page:
<https://support.google.com/websearch/answer/54068?co=GENIE.Platform%3DDesktop&hl=en>

So, if WAA is off, how are we able to log at all?

CONFIDENTIAL

GOOG-RDGZ-00130381

WAA Off Means “Stop Saving Their Activity”



**David
Monsees**
Product Manager
for (s)WAA

Retention Controls Comprehension

[go/default-retention-findings2](#)

April 27, 2020
UXR: nzokael (POC)
UXD: dgearity
UXW: jwoll
PM: davidmonsees, catwu

Research Questions

1. **WAA:** What do users expect turning WAA off to mean
 - a. How do they expect that to affect other functionalities?

Findings Summary

Controls Comprehension:

1. WAA Toggle Off:

- a. All participants expected turning WAA toggle off to stop saving their activity

Research Questions

1. **WAA:** What do users expect turning WAA off to mean
 - a. How do they expect that to affect other functionalities?
2. **WAA Off and Retention:** What are users' expectations around retention when turning off WAA?
 - a. Do they understand what happens to existing data?
3. **Retention flow:** What are users' pain point when setting/changing retention?
 - a. Do they think they have enough information to make a choice.
 - b. Do users understand how changing auto delete will impact their data?
4. **WAA Off and no data:** Does the page clearly communicate to users when they don't have data?
 - a. Do users expect Auto-delete and Manage Activity to be disabled or enabled when there's no data?

Opinions

1

Google wrote computer code called SDKs to access people's devices and to allow Google to copy, collect, and save their data when those people use non-Google apps.

2

Google said people had control and could stop Google from copying, collecting, and saving their data, and that Google would only save app activity data when Web & App Activity was on.

3

Throughout the class period, Google copied, collected, and saved data when Web & App Activity was turned off, despite concerns raised by Google employees.

4

Google used people's data, collected when Web & App Activity was turned off, in many ways that benefited Google and harmed users.

What Google Said vs. What Google Did

What Google Said

- You're "in control."
- "Privacy Controls"
- You can use toggles to decide "whether" Google collects your data.
- For Google to save your app activity data with non-Google apps, WAA and sWAA "must be on."

What Google Did

- Google copied and saved app activity data when people had WAA and sWAA turned off.
- Google did this using the Google SDKs to access people's devices and data.
- This was no mistake. Google did this despite the concerns expressed by Google's own employees.
- This was also unnecessary. Google could have stopped saving this data.

Google Collected & Saved (s)WAA-Off Data



JK Kearns
Product Manager

On Tue, Jul 14, 2020 at 4:21 PM JK Kearns <jkearns@google.com> wrote:
 I think if we hear that, then that motivates a need for thinking about more options
 we need to offer users. To me, it feels like a fairly significant bug that a user can
 choose to turn off WAA but then we still collect and use the data (even
 locally). For users that want pSuggest, but don't want data collected, I think

Message

From: David Monsees [davidmonsees@google.com]
Sent: 9/8/2020 10:26:16 PM
To: Stephen Deguglielmo [sdeg@google.com]
CC: David Gatwood [gatwood@google.com]; Christina Collada [cmcollada@google.com]; iqa-identity-trust@google.com; Jessica Lee [jlg@google.com]; Christopher Jordan [cjordan@google.com]; Reed Boz [reedlabotz@google.com]; Dushan De Silva [dushan@google.com]; Chris Jordan [cjordan@google.com]; JK Kearns [jkearns@google.com]; Ela Berens [elab@google.com]; Monica Vajish [mronav@google.com]; Henry Wong [henrywong@google.com]
Subject: Re: Disable Device History For Signed In WAA Off Users

Non-history on-device features/data (e.g., read later queue, home-work on IOA, offline queries, etc.) should be managed independently of WAA and Search Customization. Additionally, I assume we want users to be able to access control(s) for non-history features regardless of WAA/Search Customization state.

On Tue, Sep 8, 2020 at 9:46 AM Stephen Deguglielmo <sdeg@google.com> wrote:
 Yeah, I think this flow was fixed back when we fixed it generally Christina. Essentially, for anyone "eligible" for on-device history, it should show up. Otherwise, it's replaced with the updated Clear All behavior we talked through.

On Tue, Sep 8, 2020 at 12:21 PM David Gatwood <gatwood@google.com> wrote:
 There's a "Clear all!" button that replaces it when it is turned off, just like for signed-in/WAA on users now.

On Tue, Sep 8, 2020 at 8:39 AM Christina Collada <cmcollada@google.com> wrote:
 What is the current plan for history mgmt settings when we remove on-device history for WAA OFF users? I've got some proposals on slides 15 nad 16 here, and want to make sure we don't remove the ability to clear non-search history when we remove on-device history for WAA-off users.

+iqa-identity-trust@google.com as FYI

On Wed, Aug 26, 2020 at 9:51 PM David Gatwood <gatwood@google.com> wrote:
 Sure.

On Wed, Aug 26, 2020 at 6:45 PM Jessica Lee <jlg@google.com> wrote:
 Hey David, let's sync during the User Trust meeting tomorrow before ramping so =Chris Jordan is on the same page and we can also discuss mobile web waa-on/unlaunch plan. Thanks for taking care of the QA bug!

On Wed, Aug 26, 2020, 6:29 PM David Gatwood <gatwood@google.com> wrote:
 Meanwhile for WAA-on users, I'm planning to start ramping that bug-fix ablation tomorrow.

David

On Wed, Aug 26, 2020 at 4:06 PM Shivani Gupta <shivanigu@google.com> wrote:
 I had sent out a super-ft launch email to Suggest leads, but haven't heard back yet.
 I will add people on this thread to the email.

Google Collected & Saved (s)WAA-Off Data



Chris Ruemmler
Senior Staff
Software Engineer



David Monsees
Product Manager
for (s)WAA

Message

From: Chris Ruemmler [ruemmler@google.com]
Sent: 7/25/2019 7:16:06 PM
To: David Monsees [davidmonsees@google.com]
CC: Leslie Liu [laliu@google.com]; Nick Linkow [nicklinkow@google.com]
Subject: Re: Wording changes for WAA bit

Thanks David, I'm well aware of that retention documentation. I setup a meeting to discuss my concerns.
 --Chris

On Thu, Jul 25, 2019 at 12:04 PM David Monsees <davidmonsees@google.com> wrote:
 Hi Chris,

You can read more about how deletes are processed, which includes how temp personal logs are process, and other purposes in the retention article I mentioned: [policies.google.com/technologies/retention](#)

I would be happy to discuss further, feel free to grab 30 minutes with +Leslie Liu and myself.

Cheers,
 Dave

On Thu, Jul 25, 2019 at 9:08 AM Chris Ruemmler <ruemmler@google.com> wrote:
 David,

On Thu, Jul 25, 2019 at 8:42 AM David Monsees <davidmonsees@google.com> wrote:
 Hi Chris,

Thanks for the thoughts!

+Nick Linkow and I have discussed rewrites of all the UDC help center articles (including WAA/s/WAA) to create a more consistent structure to explain the kind of "if it's on" vs. "if it's off" points you bring up. Right now, my focus is on the actual consent language (what you see on [myaccount.google.com/activitycontrols](#) when you turn on or pause a setting), but we'll want those changes to flow down into the HC.

The activity controls wording isn't any better. I see how the wording here is very deceptive. The problem is it states:

*The data saved in your account helps give you more personalized experiences across all Google services.

Message

From: Chris Ruemmler [ruemmler@google.com]
Sent: 7/25/2019 7:16:06 PM
To: David Monsees [davidmonsees@google.com]
CC: Leslie Liu [laliu@google.com]; Nick Linkow [nicklinkow@google.com]
Subject: Re: Wording changes for WAA bit

Google needs to be really clear about what user content we are logging and what we don't store/keep/log. The WAA and other controls imply we don't log the data, but obviously we do. We need to change the description to indicate even with the control off, Google retains this data and uses it for X purposes.

what the user has access to. This is really bad. If we are storing data that the user does not have access to, we need to be clear about that fact. In this case, the user has a false sense of security that their data is not being stored at Google, when in fact it is. Have we performed any studies to see what customers think is happening

Google Did This Despite Employee Concerns



JK Kearns
Product Manager

Message

From: Ela Beres [elaberes@google.com]
Sent: 11/14/2018 7:09:58 AM
To: JK Kearns [jkearns@google.com]
CC: Frank Klemm [fklemm@google.com]; Luke Swartz [lswartz@google.com]; Phiroze Parikh [phiroze@google.com]; David Monsees [davidmonsees@google.com]
Subject: Re: WAA check for user models

Yes - that's definitely the user story. The question is how to enforce it.

I'm suggesting that user-facing feature teams should check WAA but that the user model teams *also* check WAA as extra added security - that way if a feature team misses the check, they won't have any data passed from the user model anyway.

On Tue, Nov 13, 2018, 10:50 PM JK Kearns <jkearns@google.com> wrote:
 I think teams should not use user data at all if WAA is off, regardless if there is user data that was collected when WAA was on. It's a much cleaner story and what I would think most users expect.

On Tue, Nov 13, 2018 at 4:31 PM Ela Beres <elaberes@google.com> wrote:
 Hey guys

Now that we have collected agreed that any Personalization based on clicks or search history should check WAA, I wanted to re-visit the question of where we enforce the WAA check in the case of user models.

My original thought was that this could be enforced by features teams, both the teams providing data to the model and the teams that use the data.

The problem with the first is that turning off WAA does not delete search history - it just pauses its collection, and user models can still make inferences on existing data. The teams that use the data should check WAA, but this is error prone (there are several teams that use ULP today that don't check WAA).

The alternative is that the user modeling teams themselves check WAA and don't provide inferences at all unless WAA is on.

What do you guys think? Frank / Luke - I added you here as spokesman for Anima and ULP, and feel free to add others.

Thanks!

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Google Did This Despite Employee Concerns



Chris Ruemmler
Senior Staff
Software Engineer



David Monsees
Product Manager
for (s)WAA

Message
From: Chris Ruemmler <ruemmler@google.com>
Sent: 7/23/2019 7:16:05 PM
To: David Monsees <davidmonsees@google.com>
CC: Leslie Liu <aliu@google.com>; Nick Linkow <nicklinkow@google.com>
Subject: Re: Wording changes for WAA bit

Thanks David, I'm well aware of that retention documentation. I setup a meeting to discuss my concerns.
-Chris

On Thu, Jul 25, 2019 at 12:04 PM David Monsees <davidmonsees@google.com> wrote:
Hi Chris,

You can read more about how deletes are processed, which includes how temp personal logs are process, and other purposes in the retention article I mentioned: policies.google.com/technologies/retention

I would be happy to discuss further, feel free to grab 30 minutes with [+Leslie Liu](#) and myself.

Cheers,
Dave

On Thu, Jul 25, 2019 at 9:08 AM Chris Ruemmler <ruemmler@google.com> wrote:
David,

On Thu, Jul 25, 2019 at 8:42 AM David Monsees <davidmonsees@google.com> wrote:
Hi Chris,

Thanks for the thoughts!

Nick Linkow and I have discussed rewrites of all the UDC help center articles (including WAA/WAA) to create a more consistent structure to explain the kind of "if it's on" vs. "if it's off" points you bring up. Right now, my focus is on the actual consent language (what you see on myaccount.google.com/activitycontrols when you turn on or pause a setting), but we'll want those changes to flow down into the HC.

The activity controls wording isn't any better. I see how the wording here is very deceptive. The problem is it states:

The data saved in your account helps give you more personalized experiences across all Google services. Choose which settings will save data in your Google Account.

Google Account™ means your data, not Google's. If I choose not to store data in my account, then Google may still store the data either as the data should not be in the account. What you are choosing is that Google does not actually control what is stored by Google, but simply need to be able to store data in Google's account with their data when they do. The user's data is being properly interpreted by our users who have actually stored all of my activity even if those users

On Wed, Jul 24, 2019 at 4:25 PM Chris Ruemmler <ruemmler@google.com> wrote:

is described for what happens when the WAA bit is on. Today, we don't accurately describe what happens when WAA is off. For instance, we state the following for the "on" state:

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Google Did This Despite Employee Concerns



Chris Ruemmler

Senior Staff
Software Engineer

Message

From: Shen-En Shih [peteshir@google.com]
Sent: 8/7/2020 8:45:44 PM
To: Grace Shih [gshih@google.com]; Nuoxi Shi [nushi@google.com]
CC: Chris Ruemmller [chrismruemmller@google.com]; Elena Wilson [elawilson@google.com]; Kathy Hwang [kathyhwang@google.com]; John Chaddon [johnchaddon@google.com]; Arwa Rangwala [arwar@google.com]; Kiran Chandramohan [kiranco@google.com]; Leo Deegan [leodeegan@google.com];

Subject: Re: Questions to decouple SAA and A4W launches from Reminders Dasher launch

Thank you all for the online and offline discussions. It's now super clear to me that Apps Reminders (e.g., created via Calendar) should not be shown if SAA-GSuite is disabled.

Here's our proposal to move things forward:

2020 Aug (Before SAA-GSuite bit is implemented):

- 1) Disable Reminders feature if SAA bit is off, and
- 2) Launch Reminders for Dashers.

Before 2020 Sep/Oct (After SAA-GSuite is implemented):

- 1) Filter out Apps Reminders if SAA-GSuite bit is off (with some TTS so user will know there are some Reminders are filtered out)

Does this look good to you? @Chris Ruemmller @John Chaddon @Grace Shih @Nuoxi Shi

On Thu, Aug 6, 2020 at 12:25 PM Grace Shih <gshih@google.com> wrote:

On Thu, Aug. 6, 2020 at 12:08 PM Chris Ruemmller <rueemmller@google.com> wrote:
Thanks Grace. I believe we addressed everything in the meeting today.

For the PR bit, I believe the PRD states that there is Admin control to allow personal results on private or shared devices. So, the admin can turn G Suite SAA on, but disable shared devices which means that the user would not be able to get G Suite data on a shared device (but would on a private device like a phone if the admin enabled that bit).

►PRD: https://docs.google.com/document/d/1mgdvW_sAoJXkXetCE4kbNQSSV0bnMtB313BcxkPxI/edit#

* * bits under the G Suite SAA bit.

* * are planned for a V2 of admin controls. For the V1, if we * * device access off.

On Wed, Aug 5, 2020 at 10:27 PM Chris Ruemmler <ruemmler@google.com> wrote:

WAA - completely broken, no way for the user to determine what this actually controls. Both admin and user controlled, but neither will understand what it actually does.

Google Did This Despite Employee Concerns



Chris Ruemmler
Senior Staff
Software Engineer



David Monsees
Product Manager
for (s)WAA

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The activity controls wording isn't any better. I see how the wording here is very deceptive. The problem is it

gives you more personalized experiences across all Google services.

"Choose to store your Google Account."

"Choose not to store data in my account, then it won't be in the account. What you are choosing is that data is stored by Google, but simply not in your account. If your user does not have access to, we will not share their data or not being think is happening with them. It is written

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Opinions

1

Google wrote computer code called SDKs to access people's devices and to allow Google to copy, collect, and save their data when those people use non-Google apps.

2

Google said people had control and could stop Google from copying, collecting, and saving their data, and that Google would only save app activity data when Web & App Activity was on.

3

Throughout the class period, Google copied, collected, and saved data when Web & App Activity was turned off, despite concerns raised by Google employees.

4

Google used people's data, collected when Web & App Activity was turned off, in many ways that benefited Google and harmed users.

“False Sense of Security”



Chris Ruemmler
Senior Staff
Software Engineer



David Monsees
Product Manager
for (s)WAA

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CC: Leslie Liu [laliu@google.com]; Nick Linkow [nicklinkow@google.com]
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"your Google Account" means your data, not Google's. If I choose not to store data in my account, then Google should not have access to the data either as the data should not be in the account. What you are stating is WAA (or any of the other controls) does not actually control what is stored by Google, but simply what the user has access to. This is really bad. If we are storing data that the user does not have access to, we need to be clear about that fact. In this case, the user has a false sense of security that their data is not being stored at Google, when in fact it is. Have we performed any studies to see what customers think is happening with their data when they disable these controls? It would be good to do a study and know if what is written